

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

REGINALD DENNIS,)	
RENEE DENNIS and)	
B.D., a minor,)	
)	
Plaintiffs)	
)	Civil Action
vs.)	No. 10-cv-06789
)	
)	
ALLAN R. DEJONG, M.D.;)	
COUNTY OF DELAWARE;)	
MARY GERMOND;)	
META WERTZ;)	
BETH PRODOEHL;)	
PATRICIA MCGETTIGAN;)	
GINA GIANCRISTIFORO; and)	
DR. DOE,)	
)	
Defendants)	

O R D E R

NOW, this 14th day of June, 2013, upon consideration of the following documents:

- (1) Notice of Motion filed by plaintiffs on December 16, 2012 (Document 92)¹, together with
 - (A) Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion for Partial Summary Judgment on Counts II-A, II-B, III, IV and VII of Plaintiffs' Amended Complaint (Document 92-1);
 - (B) Plaintiffs' Statement of Material Facts in Support of Plaintiffs' Motion for Partial Summary Judgment (Document 92-2);

¹ Although plaintiffs' "Notice of Motion" indicates that plaintiffs seek summary judgment on Counts II-A, II-B, III, IV and VII only, I interpret plaintiffs' "Notice of Motion" to be a motion for partial summary judgment in which plaintiffs seek judgment on liability for Counts II-A, II-B, III, IV, V and VII because plaintiffs' memorandum in support of their motion for partial summary judgment argues that plaintiffs are entitled to summary judgment with respect to Count V as well.

- (C) Exhibits 1 through 125 supporting Plaintiffs' Statement of Material Facts in Support of Plaintiffs' Motion for Partial Summary Judgment filed December 20, 2012 (Document 96);
- (D) Defendants County of Delaware, Mary Germond, Meta Wertz, Beth Prodoehl, Patricia McGettigan and Gina Giancristiforo's Response in Opposition to Plaintiffs' Motion for Summary Judgment, which response was filed December 27, 2012 (Document 98);
- (E) Memorandum of Law in Opposition to Plaintiffs' Motion for Summary Judgment Against Defendants, County of Delaware, Mary Germond, Meta Wertz, Beth Prodoehl, Patricia McGettigan and Gina Giancristiforo, which memorandum was filed December 27, 2012 (Document 98);
- (F) Defendants Delaware County, Mary Germond, Meta Wertz, Beth [Prodoehl], Patricia McGettigan and Gina Giancristiforo's Response to Plaintiffs' Statement of Material Facts in Support of Plaintiffs' Motion for Partial Summary Judgment, which response was filed December 27, 2012 (Document 99)
- (G) Response of Defendant, Dr. Allan R. DeJong, to Plaintiffs' Statement of Undisputed Facts in Support of Their Motion for Partial Summary Judgment, which response was filed January 9, 2013 (Document 104);
- (H) Response in Opposition of Defendant, Dr. Allan R. DeJong, to Plaintiffs' Motion for Partial Summary Judgment, which response was filed January 9, 2013 (Document 104); and
- (I) Memorandum of Law in Support of Opposition of Defendant, Dr. Allan R. DeJong, to Plaintiffs' Motion for Partial Summary Judgment, which memorandum was filed January 9, 2013 (Document 104);

- (2) Defendants County of Delaware, Mary Germond, Meta Wertz, Beth Prodoehl, Patricia McGettigan and Gina Giancristiforo's Motion for Summary Judgment filed December 17, 2012 (Document 93), together with
- (A) Memorandum of Law in Support of Motion for Summary Judgment of Defendants, County of Delaware on Behalf of Its Council, Mary Germond, Meta Wertz, Beth [Prodoehl], Patricia McGettigan and Gina Giancristiforo;
 - (B) Statement of Undisputed Material Facts in Support of Summary Judgment Motion of Defendants County of Delaware, Mary Germond, Meta Wertz, Beth Prodoehl, Patricia McGettigan and Gina Giancristiforo (Document 93-1);
 - (C) Exhibits 1 through 34 supporting the Statement of Undisputed Material Facts in Support of Summary Judgment Motion of Defendants County of Delaware, Mary Germond, Meta Wertz, Beth Prodoehl, Patricia McGettigan and Gina Giancristiforo;
 - (D) Plaintiffs' Memorandum of Law in Opposition to Motion to Dismiss of Defendants Delaware County, Mary Germond, Meta Wertz, Patricia McGettigan, Gina Giancristiforo and Beth Prodoehl, which memorandum was filed on January 9, 2013 (Document 103);
 - (E) Plaintiffs' Counterstatement of Facts in Opposition to Statement of Undisputed Material Facts of Defendants County of Delaware, Mary Germond, Meta Wertz, Beth Prodoehl, Patricia McGettigan and Gina Giancristiforo, which counter-statement of facts was filed January 9, 2013 (Document 103);
 - (F) Exhibits 1 through 8 to Plaintiffs' Counterstatement of Facts in Opposition to Statement of Undisputed Material Facts of Defendants County of Delaware, Mary Germond, Meta Wertz, Beth Prodoehl, Patricia McGettigan and Gina Giancristiforo (Documents 103-1 through 103-8); and

- (G) Reply Brief of Defendants Delaware County, Mary Germond, Meta Wertz, Patricia McGettigan, Gina Giancristiforo and Beth Prodoehl to Plaintiffs' Memorandum of Law in Opposition to the County Defendants' Motion for Summary Judgment, which reply brief was filed January 30, 2013 (Document 108); and
- (3) Motion of Defendant, Allan R. Dejong, M.D., to Dismiss Plaintiffs' Amended Complaint Pursuant to Federal Rule of Civil Procedure 56 with Supporting Memorandum, which motion in the nature of a motion for summary judgment was filed December 17, 2012 (Document 95), together with
 - (A) Exhibits A through Y in support of motion for summary judgment;
 - (B) Untitled brief in opposition to defendant Allan R. DeJong, M.D.'s motion for summary judgment, which brief was filed by plaintiffs on January 9, 2013 (Document 102)
 - (C) Exhibits 1 through 15 to plaintiffs' brief in opposition (Documents 102-1 through 102-15);
 - (D) Supplemental Exhibits A and B in support of motion for summary judgment, which exhibits were filed by defendant Dr. DeJong on April 24, 2013 (Documents 127-3 and 127-4);
 - (E) Plaintiffs' Response to Defendant DeJong's Motion to Supplement the Record (Doc. 127), which response was filed April 30, 2013 (Document 132); and
 - (F) Plaintiffs' Memorandum of Law in Response to Defendant DeJong's Motion to Supplement the Record (Doc. 127), which memorandum was filed April 30, 2013 (Document 133);

after oral argument held on April 18, 2013; and for the reasons expressed in the accompanying Opinion; it appearing that plaintiffs have consented to the dismissal of Counts I, VI and

VII against defendant County of Delaware, and to the dismissal of Count IX against defendant Dr. Doe,

IT IS ORDERED that Counts I, VI and VII against defendant County of Delaware are dismissed from the Amended Complaint with prejudice.

IT IS FURTHER ORDERED that Count IX against defendant Dr. Doe is dismissed from the Amended Complaint with prejudice.

IT IS FURTHER ORDERED that Defendants County of Delaware, Mary Germond, Meta Wertz, Beth Prodoehl, Patricia McGettigan and Gina Giancristiforo's Motion for Summary Judgment is granted.

IT IS FURTHER ORDERED that judgment is entered in favor of defendant County of Delaware and against plaintiffs Reginald Dennis, Renee Dennis and B.D., a minor, on Counts II-A, III, IV, V and VIII of plaintiffs' Amended Complaint.

IT IS FURTHER ORDERED that judgment is entered in favor of defendant Mary Germond and against plaintiffs Reginald Dennis, Renee Dennis and B.D., a minor, on Count III of plaintiffs' Amended Complaint.

IT IS FURTHER ORDERED that judgment is entered in favor of defendant Meta Wertz and against plaintiffs Reginald Dennis, Renee Dennis and B.D., a minor, on Count II-B of plaintiffs' Amended Complaint.

IT IS FURTHER ORDERED that Beth Prodoehl is dismissed as a defendant from plaintiffs' Amended Complaint.²

IT IS FURTHER ORDERED that judgment is entered in favor of defendant Patricia McGettigan and against plaintiffs Reginald Dennis, Renee Dennis and B.D., a minor, on Counts II-B and IV of plaintiffs' Amended Complaint.

IT IS FURTHER ORDERED that judgment is entered in favor of defendant Gina Giancristiforo and against plaintiffs Reginald Dennis, Renee Dennis and B.D., a minor, on Counts II-B and IV of plaintiffs' Amended Complaint.

IT IS FURTHER ORDERED that the Motion of Defendant, Allan R. Dejong, M.D., to Dismiss Plaintiffs' Amended Complaint Pursuant to Federal Rule of Civil Procedure 56 with Supporting Memorandum, in the nature of a motion for summary judgment, is granted.

IT IS FURTHER ORDERED that judgment is entered in favor of defendant Allan R. DeJong, M.D. and against plaintiffs

² Although Beth Prodoehl was named as a defendant in the caption of plaintiffs' Amended Complaint, no causes of action were alleged against her in any count of the Amended Complaint.

At oral argument held on April 18, 2013, counsel for plaintiffs made an oral motion to amend Count V of plaintiffs' Amended Complaint to add a Fourteenth Amendment Substantive Due Process Claim against defendant Beth Prodoehl. After oral argument on plaintiffs' motion to amend, I denied plaintiffs' motion (See Order dated April 18, 2013 and filed April 26, 2013 (Document 128)).

Accordingly, I grant defendant Beth Prodoehl's motion for summary judgment and dismiss her as a defendant from plaintiffs' Amended Complaint.

Reginald Dennis, Renee Dennis and B.D., a minor, on Counts VII and X of plaintiffs' Amended Complaint.

IT IS FURTHER ORDERED that plaintiffs' motion for partial summary judgment entitled "Notice of Motion" is denied.

IT IS FURTHER ORDERED that the Clerk of Court mark this case closed for statistical purposes.³

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge

³ Because this Order disposes of all remaining claims in plaintiffs' Amended Complaint, I directed the Clerk of Court to mark this case closed for statistical purposes.